

### **REMARKS**

No amendments have been made to the claims.

#### **1. Interview**

Applicants would like to thank Examiners Gollamudi Kishore and Michael Woodward for participating in an interview with the undersigned on May 18, 2006 at the U.S. Patent Office. During the interview, the patentability of the claims was discussed in light of the cited references. The results presented in the tables shown in the specification were a focus of the discussion and it was agreed that Applicants would submit a statistical analysis of the data listed in the tables so as to provide the Examiners with additional information by which to more clearly determine patentability of the claims.

#### **2. Inventor Declaration**

Applicants submit herein and request entry of a declaration under 37 C.F.R. § 1.132 by co-inventor Masahiro Sakabe that qualitatively attests to the significance of the data listed in the tables described in the specification of the subject application, based on Mr. Sakabe's high level of skill in this art. A detailed quantitative analysis of the data is not available due to the fact that selected measurements, necessary for such an analysis, were not obtained during the time the data was being generated. This discovery, along with the resulting consideration of alternative approaches to the content of an inventor declaration, has contributed to the delay in providing this declaration before the current time.

Despite the lack of a quantitative analysis, Applicants believe that Mr. Sakabe's experience and qualifications in conducting pharmaceutical research and development, including an expertise in *in vitro* diagnostics, lends credence to his statement that the differences between the numeric values listed in the tables are significant and that certain excipients, when combined with select benzamide compounds, accelerate the decomposition of said compounds while other excipients do not.

That selected excipients in combination with the described benzamide compounds exhibit these properties is unexpected and not contemplated by EP 0847 992, the International Cosmetic Ingredient Dictionary and Handbook or U.S. Patent 5,681,584, either alone or in combination.

Accordingly, these references cannot render Applicants' claimed compositions obvious. Therefore, Applicants believe that the attached inventor declaration overcomes the § 103(a) obviousness rejections under appeal by placing the pending claims in a condition for allowance.

**3. Conclusion**

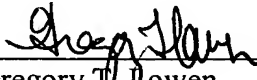
The attached inventor declaration under 37 C.F.R. § 1.132 is submitted to place the application in condition for allowance. Accordingly, Applicants respectfully request entry of the declaration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

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